

10.10.Quotation assessment under Contract LGP420(B) Willoughby Road (east side), Crows Nest - paving upgrade

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ENDORSED BY	Gary Parsons, Director Open Space and Infrastructure
ATTACHMENTS	1. CONFIDENTIAL - Evaluation: LGP420 B Willoughby Rd (east side) paving upgrade [10.10.1 - 3 pages]
CSP LINK	2. Our Built Infrastructure 2.1 Infrastructure and assets meet diverse community needs 2.2 Vibrant public domains and villages

PURPOSE:

The purpose of this report is to provide Council with the outcome and recommendations of the Request for Tender process for Willoughby Road (East side) Paving Upgrade.

EXECUTIVE SUMMARY:

- Council has elected to use a select tender process for the Willoughby Road (east side) upgrade using two separate packages of work.
- Council has used Local Government Procurement (LGP) to procure these works. LGP are a prescribed entity for the purposes of s55 of the Local Government Act 1993.
- On 12 July 2024 quotations were requested from five contractors listed on Council’s adopted panel. Four submissions were received when tenders closed on 30 July 2024.
- Tender submissions were subsequently assessed in accordance with the Criteria outlined with the tender documentation and Council adopted tender assessment methodology.

RECOMMENDATION:

- 1. THAT** Council accept the quotation of the highest ranked tenderer for Part A of Contract LGP420(B) Willoughby Road, Crows Nest (East side) - Paving Upgrade, as outlined in the confidential attachment to this report.
- 2. THAT** Council accept the quotation of the highest ranked tenderer for Part B of Contract LGP420(B) Willoughby Road, Crows Nest – Road Restoration, as outlined in the confidential attachment to this report.
- 3. THAT** Council approve carry forward unspent funds from 2023/2024 Crows Nest Public Domain Masterplan Implementation budget for the Willoughby Road (east side) upgrade works.
- 4. THAT** the Chief Executive Officer be authorised to take any necessary action to implement the decision including entering into contracts for the engagement of the preferred contractors for Contract LGP420(B) Willoughby Road, Crows Nest (east side) - Paving Upgrade
- 5. THAT** Council resolves that the identified attachment to this report is to be treated as confidential in accordance with section 11(3) of the Local Government Act for the following

reason under section 10A(2) of the Local Government Act:

(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business

(d) commercial information of a confidential nature that would, if disclosed

(i) prejudice the commercial position of the person who supplied it

It is further noted that the release of this information would, on balance, be contrary to the public interest as publication of all tendered documents would discourage potential tenderers from submitting commercial information in future and would affect Council's ability to obtain value for money services.

Background

The upgrade of Willoughby Road, Crows Nest was identified as a priority project in the Crows Nest Public Domain Masterplan that was adopted by Council in February 2023. The Masterplan identified a vision of encouraging the growth of village life in Crows Nest to consolidate its role as a hub for independent retail, restaurants, and entertainment on the lower North Shore.

Council has recently completed the western-side paving works along with Ally Property Services and is now proposing to upgrade the paving on the eastern side of Willoughby Road, which will complete the Willoughby Rd upgrade project.

Council's Procurement Policy requires an 'Open Tender' where the value of the procurement will exceed \$1m (incl GST). Council's Procurement Policy also notes that amounts over \$1m (incl. GST) maybe exempt from open tender subject to the provisions of the Local Government Act 1993, Division 1 Tendering, Section 55.

Section 55 of the Local Government Act requires Council's to decide whether to use:

- a) the open tendering method by which tenders for the proposed contract are invited by public advertisement,
- b) the selective tendering method by which invitations to tender for a particular proposed contract are made following a public advertisement asking for expressions of interest,
- c) the selective tendering method by which recognised contractors selected from a list prepared or adopted by the council are invited to tender for proposed contracts of a particular kind.

The works have been procured through a select tender using Local Government Procurement's (LGP) approved government panel contract 420 for Major and minor civil works. Using a closed tender process has enabled Council to identify prequalified contractors with the appropriate level of experience and capacity for this particular kind of work.

LGP are a prescribed entity under s55 of the Local Government Act 1993 (NSW), which allows councils to utilise supply arrangements coordinated by LGP without the need to go to tender in their own right. However, Council's Procurement Policy requires procurement over \$1m to be reported through to Council.

These packages of work were tendered separately to provide Council with the option to appoint two contractors to expedite these works.

Report

On 12 July 2024 quotations were requested from five contractors prequalified with LGP for the following packages of work:

- Part A – Willoughby Road, Crows Nest (East side) Paving Upgrade; and
- Part B – Willoughby Rd, Crows Nest – Road Restoration.

When tenders closed on 30 July 2024 submissions were received from the 4 contractors listed below in alphabetical order.

Tenderer
Ally Property Services Pty Ltd
Anzellotti Constructions Pty Ltd
Civotek Pty Ltd
Ezy-Pave Pty Ltd

Tender submissions were subsequently assessed against the criteria outlined within the tender documentation using Council’s adopted tender assessment methodology as per the confidential attachment of this report (10.11.1).

This tender process has been reviewed and endorsed by Council’s Procurement Panel for adherence to the Procurement Policy.

Information provided by tenderers which is commercial-in-confidence has been protected and will not be disclosed in accordance with section 10A(2)(d) of the Local Government Act 1993.

Consultation requirements

There is no Community engagement required as part of this report.

Financial/Resource Implications

Council has allocated sufficient funds within the Crows Nest Public Domain Masterplan Implementation, Drainage and Road pavements - Local Roads – Reconstruction cost centre for the delivery of the works outlined within this report.

It should be noted that unspent funds of \$1,129,979 from the Crows Nest Masterplan Implementation budget will need to be carried forward to the 2024/25 financial year to fund the work.

Legislation

- NSW Local Government Act 1993 Section 55.
- Local Government (General) Regulation 2021 – Part 7 Tendering

Project Program

Anticipated Start: August 2024

Anticipated Completion: October 2024